

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LESTER PERKINS, )  
Plaintiff, )  
V. )  
ROGERS GROUP, INC., )  
Defendant. )  
No. 3:12-CV-403  
(PHILLIPS/GUYTON)

## **MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 8] referring Defendant's Motion to Compel Discovery and Disclosures [Doc. 6] to the undersigned.

In its previous Memorandum and Order, the Court found that the Defendant was entitled to an award of fees and expenses to compensate for the fees and expenses incurred as a result of Plaintiff's failure to fulfill his discovery obligations. The Court found that Attorney Michael Hatmaker, counsel for the Plaintiff, was solely responsible for the failure to cooperate in discovery, and as a result, the Court found that the award of fees and expenses would be assessed against Mr. Hatmaker personally. The Court directed defense counsel to file an affidavit stating the fees and expenses incurred by Defendant in attempting to remedy the Plaintiff's non-compliance.

Now before the Court is the Affidavit of Rebecca B. Murray in Support of Attorney's Fees Awarded to the Defendant on January 11, 2013, [Doc. 11]. Ms. Murray submits that she expended 3.7 hours drafting her correspondence, preparing the Motion to Compel, preparing

Memorandum of Law, reviewing these documents, attending the hearing on January 11, 2013, and preparing the Affidavit. Ms. Murray submits that her rate for this matter is \$215.00 per hour. [Doc. 11 at ¶¶ 4-8]. Ms. Murray, therefore, submits that her fees in this matter total \$795.50. She does not represent that any costs or expenses were incurred in addressing the non-compliance.

The Court has reviewed the Affidavit of Rebecca B. Murray in Support of Attorney's Fees Awarded to the Defendant on January 11, 2013, [Doc. 11]. The Court finds that the \$795.50 in fees detailed therein is a reasonable amount of attorney's fees, and the Court finds that \$795.50 will be an appropriate sanction. Accordingly, Attorney Michael Hatmaker is **ORDERED** to pay **\$795.50** to Attorney Rebecca Murray of the law firm of Wimberly, Lawson, Wright, Daves & Jones, PLLC, on or before **February 15, 2013**. To the extent Rogers Group Inc. has already been billed for and paid any portion of the fees incurred in addressing the non-compliance, Ms. Murray or the Wimberly, Lawson firm will reimburse Rogers Group Inc., an appropriate portion of the sanctions paid to her.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge